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ods of the Common Law. In outlining his topic the author states that "American Jurisprudence is a special science treating of the laws of the United States." It would seem quite as proper to speak of the special science treating of the rocks of Mexico. There is no difference in kind that marks off the common law as applied in the United States from the common law as applied in England, Canada, or Australia. In truth, jurisprudence is the science that underlies all systems of law, and to speak of the particular jurisprudence of a certain country as writers often do, is a misapplication of a term with a well established and definite meaning, to express an idea equally well expressed by another term, viz., law, merely because the longer word is thought to sound better. This comment is further borne out by the author's treatment of his subject. The space devoted to the principles underlying the law is brief compared to that given up to the actual law administered. It is well for the author's avowed purpose that this is so, for one could scarcely regard an extended study of jurisprudence, using the term in its proper sense, as preparatory to a study of elementary law.

F. R. T.

DER GESETZLICHE SCHUTZ DER BAUGLÄUBIGER IN DEN VEREINIGTEN STAATEN VON NORD-AMERIKA. Ein Beitrag zu den Entwürfen eines Reichsgesetzes betreffend die Sicherung der Bauforderungen und eines Preussischen Ausführungsgesetzes. Von Dr. Georg Salomonsohn. Berlin: Carl Heymanns Verlag. 1900. pp. xv, 493.

This German work on the mechanics' lien laws of the United States cannot help but prove as valuable to German readers as it is interesting and instructive from the American standpoint. Its object is to present an outline of American legislation and its effect on economic conditions, so as to enable Germany in the solution of its problems to profit by our experience. To show that this is possible on account of the similarity of conditions in the two countries, the author discusses in the first part of the book the economic relations and the legal rights in America, irrespective of statutory protection, of those persons contributing to the improvement of real estate. He then in the second part gives a comprehensive view of American legislation as interpreted by decided cases, followed by a translation and explanation of the lien laws of the State of New York. Part III. is taken up in showing the effect of the lien laws on the building industry of the United States and in summing up the principles brought out in the development of American law, which the author thinks should be applied in German legislation.

The systematic exposition of the American law is naturally the most interesting portion of the work from our point of view. It covers the subject completely, and shows a careful study by the author of the details of our system. The notes contain numerous citations of cases and statutes, while incorporated into the text we find many quotations from American cases, well selected and ably translated. The discussion of the rights of sub-contractors is especially good. The distinction between the Pennsylvania system giving the sub-contractor a direct lien and the New York system working out his rights by subrogation to the contractor's lien is clearly brought out, though more space might perhaps have been devoted to the discussion of the comparative merits of the two systems. Moreover, the author points out a distinction, which is not gener-

ally noticed, between two methods of protecting laborers and materialmen, one by preventing the misappropriation by the contractor of the funds which should reach them, the other by giving them a lien on the real estate so far as such funds have not been provided or have been misapplied. As a whole, the work shows an appreciation on the part of the author of the spirit of American institutions.

H. K.

ESTOPPEL BY MISREPRESENTATION. By John Skirving Ewart. Chicago : Callaghan & Co. 1900. pp. xlvii, 548.

There is hardly a topic in the law so uncertain in regard to its scope and fundamental principles as that of estoppel by misrepresentation. Mr. Ewart has made a commendable attempt at a thorough treatment of the subject ; and at the outset gives us a novel and useful contribution, in his use of the terms "estoppel-asserter" and "estoppel-denier," to designate the actors in cases of estoppel. A detailed analysis of the necessary elements of estoppel in its different phases takes up the first half of the book. The author's conclusion, that moral guilt is in general immaterial in estoppel by misrepresentation, is most far-reaching ; and, as he points out, is inconsistent in principle with the generally accepted doctrine of *Peek v. Derry*. The remaining half of the book is devoted to a discussion of estoppel, as applied to various branches of the law. Here it would seem that the author gives to estoppel far too great a scope. Instead of treating it as a doctrine to be resorted to only when the desired result can be attained on no other theory, he makes use of it in every possible case. The doctrines of prior equities, purchaser for value without notice, and the negotiability of bills and notes are among those that are explained as resting on estoppel by assisted misrepresentation.

The book will be the less useful to the practitioner, in that almost no American cases are considered in the text, and comparatively few are cited in the footnotes. Yet, although its style is at times scarcely dignified, especially where the English doctrine of tacking mortgages is said to make the legal title like a "greasy pig," the book does contain distinctly vigorous thought and discussion on a rarely discussed subject.

R. B. S.

THE POLICE POWER OF THE STATE AND DECISIONS THEREON AS ILLUSTRATING THE DEVELOPMENT AND VALUE OF CASE LAW. By Alfred Russell of the Detroit Bar. Chicago : Callaghan & Co. 1900. pp. xvii, 204.

As its title indicates, the purpose of this volume is not so much a complete exposition of the so-called police power as a plea for our system of case law. By an analysis of the application of the various constitutional restrictions to this unclassified legislative power, the writer is enabled to define with considerable clearness the limits of this power under the constitutions. By this development and statement of the law, he not only aids in clarifying an important growing subject, but performs a valuable service by insisting upon the superiority of the flexibility of case law over the rigidity of codified law. But in common with many others, he does not always perceive that in dealing with this power the question is often a more fundamental one than that of constitutional restrictions, namely that of the limits of legislative power in general aside from constitu-